

Meeting of 2009-2-10 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 10, 2009 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr.                      Also Present:  
Presiding                      Larry Mitchell, City Manager  
   Frank Jensen, City Attorney  
   Traci Hushbeck, City Clerk  
COL Robert Bridgford, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:09 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Reverend Don Barnes, Lawton First Assembly, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:                      Bill Shoemate, Ward One  
James Hanna, Ward Two  
Janice Drewry, Ward Three  
Jay Burk, Ward Four  
Robert Shanklin, Ward Five  
Jeff Patton, Ward Six  
Stanley Haywood, Ward Seven  
   Randy Warren, Ward Eight

ABSENT:                      None

PRESENTATION OF OKLAHOMA MUNICIPAL LEAGUE HONOR ROLL OF SERVICE.

**(STRICKEN)**

PRESENTATION FROM PUBLIC SERVICE COMPANY OF OKLAHOMA

Keith Catron, Public Service Company of Oklahoma, presented a check in the amount of \$54,343.56 from their Model Cities Program, which encourages cities to become energy efficient. The City of Lawton is the first in their service territory to receive an incentive check for changing traffic signals from incandescent bulbs to LED s. He stated this is about 80% of the total amount.

Mayor Purcell thanked PSO and stated the City of Lawton is also participating in other ongoing energy conservation programs.

PRESENTATION FROM COL. ROBERT BRIDGFORD

Col. Bridgford presented a briefing on the activities at Fort Sill. (The presentation stopped due to mechanical problems.)

AUDIENCE PARTICIPATION:

Dana Davis, President of the Lawton-Fort Sill Chamber of Commerce, introduced their new Economic Development Vice President, Ed Cole, who has moved to Lawton from Indiana.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JANUARY 13 AND JANUARY 27, 2009 AND THE SPECIAL MEETING OF JANUARY 20, 2009.

Haywood stated he can only vote on the January 13<sup>th</sup> and January 27<sup>th</sup> meetings.

Mayor Purcell stated they can separate the motions on those meetings.

MOVED by Drewry, SECOND by Shoemate, to approve the minutes of the Lawton City Council regular meetings of January 13 and January 27, 2009. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Drewry, Burk. NAY: None. ABSENT: Hanna. MOTION CARRIED.

MOVED by Drewry, SECOND by Shoemate, to approve the minutes of the Lawton City Council special meeting of January 20, 2009. AYE: Patton, Warren, Shoemate, Drewry, Burk, Shanklin. NAY: None. ABSTAIN: Haywood. ABSENT: Hanna. MOTION CARRIED.

Mayor Purcell stated he is going to get out of order and move up the business item #21 since there are several people who would like to address this issue.

21. Consider awarding a construction contract to RCJ Construction, Inc. for the NW 2<sup>nd</sup> Street Enhancement Project #2005-12. Exhibits: Project Map, Summary of Recent Streetscape Projects in Oklahoma, Bid Tabulation and Discussion of Project costs and Options from Tetra Tech.

Mitchell stated over the past three to four years the Council has approved applications for ODOT enhancement grants, submitted a section 108 loan application and approved the acceptance of the 108 loan dollars which are both state and federal monies. Council approved plans and specs on July 8<sup>th</sup> and the bid opening was held on January 13, 2009. Two bids were received, one from RCJ Construction, Inc and one from Downy Construction of Oklahoma City. Both bids were over the allocated budget. The state and federal dollars totaled approximately \$3 million. The Lawton Urban Renewal Authority (LURA) paid for all of the engineering for the project so there was a budget that amounted to a 100% grant to the City of Lawton. The base bid from RCJ Construction was \$3,555,813. In order to move forward with the project it is recommended that the City Council consider using 2008 CIP money to fund the balance of this program. The other option would be to reject the bids. He stated Jonathan Heusel from Tetra Tech is in attendance to talk about those options. This project would include traffic signals, reconstruction of the roadway, street lighting, landscaping and water line relocation. This will be designed to encourage pedestrian traffic up and down 2<sup>nd</sup> Street. He stated they feel this will help in recruiting other private development dollars into the downtown. If you don't invest in your own community it is very difficult to get other investors from other parts of the country to come in and invest. He stated the reason they do not want to reject the bids is because the majority of the dollars are coming from state and federal money and that money cannot be used on any other project in any other part of the community. The low bidder is also a local company and those dollars will be recycled in this community. They are also concerned that if they have to rebid the project they will have to reduce the scope of the project and they are not sure they will receive any bids because many contractors already have work lined up with all of the federal projects.

Jonathan Heusel, Tetra Tech, stated he has been the engineer on the project since it began. He distributed a listing of recent streetscape projects in Oklahoma. He stated these types of projects are expensive and have a lot of detail work. A good section of 2<sup>nd</sup> Street will be constructed in this project.

David Madigan, Chairman of Lawton-Fort Sill Chamber and Vice Chairman of Lawton Economic Development Authority (LEDA), stated he would like to personally endorse this project. He stated there have been many citizens of Lawton who have volunteered countless hours for this project. There are millions of public and private dollars invested in this area and we are fortunate that a local company is willing to handle this project. He stated this has been a collaborative effort of over two years to get to this point and it would be a tragedy to not see this project to the very end.

Dr. Ernie Sheppard, Chairman of LURA and member of LEDA, stated the City Council, along with LURA, has spent the last two to three years in numerous public meetings asking opinions of the public and approving all the components of this project. We are a long way down the road and have a majority of the funding handled from outside the city. He stated the local businesses along 2<sup>nd</sup> Street have contacted him and they are looking forward to this project and waiting to enhance their property until 2<sup>nd</sup> Street is improved. He stated we don't need more buildings to be boarded up, they need to progress with this project and encourage people to invest their dollars on 2<sup>nd</sup> Street. There are developers that are now interested because the City is now showing attention to this area. It is important to get this done.

Fred Fitch, Chairman of LEDA, stated there have been a lot of people involved in this project and they have an opportunity to have \$3 million put into this that does not come out of the City of Lawton's pocket. If they delay this project, the cost will rise in two or three years and will there be federal funding available at that time? They are making headway with the downtown revitalization project and this is the first step that they can show tremendous improvement to the downtown area. Dan Mullins has enhanced this area with money out of his own pocket and this will further that beautification project and he feels they need to invest in ourselves if we want others to invest in us.

Robert Prince, citizen, encouraged the City Council to support this project. He stated it would be to the betterment of this whole community if they would move forward with this project. He stated he lives on the west side of

Lawton and even his neighbors are in support of the project.

Dana Davis, Lawton-Fort Sill Chamber of Commerce, stated downtown redevelopment and the improvement on 2<sup>nd</sup> Street is all about economic development. It is about improving the quality of life for our community as a whole. When they deal with economic development prospects they are concerned with the look of this community and there are a lot of organizations who are out there trying to make a difference and we need to move projects forward and people are ready to see action taken. They need to change the view when people enter Lawton from the North.

Mayor Purcell stated that Dr. Rosemary Bellino is in attendance. He stated she has contributed a measurable amount of time and effort to the beautification of this city and he invited her to say a few words.

Rosemary Bellino-Hall stated as a private citizen she feels the appearance of this community has held us hostage. They are not going to attract business unless we look good. The reason she got into beautification is because they cannot get doctors to come to Lawton. They cannot keep retired professionals here and that is a big tax base. They can't keep their kids here because they don't have the jobs. They must make a change and it comes down to how we look and you have to spend money to look good. She feels this project is important as far as how people first look at Lawton when they come into town. She stated this project will pay off in the end and will help to attract business.

MOVED by Burk, SECOND by Drewry, to award a construction contract to RCJ Construction, Inc. for the NW 2<sup>nd</sup> Street Enhancement Project #2005-12.

Hanna stated that when he came on this council he had no say regarding this project. There are two outgoing council members who have only one more meeting. He is not against the project, but he would like to postpone this decision until the two new members of the council are sworn in.

SUBSTITUTE MOTION by Hanna, SECOND by Shanklin, to table this item until the two new councilmembers are seated.

Shanklin stated they are not ready for this and they do not even have a developer. If there is a developer they need to see if that developer even wants this project. He stated that beautification is fine in the right place. He questioned if there was a developer yet.

Mr. Fitch stated they are in negotiations right now with a contractor, Ruhl and Rulh, out of Des Moines, Iowa, for a development agreement. They have not reached an agreement yet, they are still in negotiations and they will be meeting in two weeks and hope to come to an agreement. This developer is very supportive of this project and this will enhance what they are going to accomplish.

Shanklin stated he is not against it, but he is concerned that we have the cart before the horse. He questioned what would happen if we delay this until the developer comes on board.

Mr. Fitch stated there will be federal money that will go away.

Mitchell stated the Section 108 loan that we secured after a two year application process is specific for 2<sup>nd</sup> Street. That is a \$2 million federal loan that is only for 2<sup>nd</sup> Street and if we try to apply that money somewhere else, it will vanish.

Shanklin questioned who did this.

Mitchell stated the City Council approved this. The original application was filed in November of December of 2006 and they worked for the next two years to get the application through the Department of Housing and Urban Development. The release of funds came in mid 2008 and the City Council approved acceptance of the grant monies and they have completed an environmental review and bids were opened in January 2009.

Shanklin question if Mr. Fitch would go out and build a shop in the middle of nowhere, not knowing if anyone was coming.

Mr. Fitch stated yes he has and he has been successful at it.

Hanna stated he talked with Steve Scott from Ruhl and Ruhl six months ago and he was supposed to send him some documentation that he has yet to receive.

Mr. Fitch stated they correspond weekly.

Hanna stated he received about five phone calls since yesterday and those people are upset about public funds being transferred into 2<sup>nd</sup> Street when the rest of the streets in town are in terrible shape. The City Council has to answer to the people.

Shoemate stated there has been a lot of work and time put into this project. Dr Bellino is working hard to clean up this town. He feels that we need this 2<sup>nd</sup> Street project. He stated all of these things are going to bring people into town. He cannot see going backwards at this point.

Dr. Sheppard stated it is absolutely necessary that you invest in your community in order to have additional funds for street improvements. We have a TIF District and other sales and ad valorem taxes that are set up so that when we have development and it starts producing, we will then have more funds available for the community.

Hanna stated he is not against the project, he would just like to postpone this until the two new council members are on board so that they could have some say in the project.

Dr. Sheppard stated he feels there needs to be a decision made tonight.

Mayor Purcell stated most of the people on this council have been involved since day one. He stated they are talking about two different projects. This is not the downtown redevelopment project, that is the area between Railroad and 2<sup>nd</sup> Street and between Ferris and Gore where LURA has purchased most of the property and Rural and Rural is going to develop. Previous to that, the City Council approved pursuing Oklahoma Department of Transportation money and later on the Section 108 money to do the 2<sup>nd</sup> Street enhancement project. There were numerous public hearings for this project. City Council has been involved since day one and all the action taken up until tonight have been approved by the City Council. He stated there is an attempt tonight to delay this issue so that new council members will kill the project. Everyone knows it. He stated it is time to take action tonight and approve this so we can start improving this community and not go backwards.

Haywood thanked all those who have worked on this project. He stated he does not believe that Mr. Shanklin is against this project and he knows that he cares about this city. If you don't have a downtown, then you don't have a city. He stated he knows that this is the correct way to do the gateway from Oklahoma City and you do have to invest.

Shanklin stated he is not against this project, but he feels they jumped out there and went too quick. What if you get a developer that doesn't want this project. He stated they are not all going to come and look at this as if it is the tenth wonder of the world. We just don't have the money.

Hanna stated he is not against this project and they are not trying to delay this. He just wants to give the new council members some consideration.

VOTE ON SUBSTITUTE MOTION: AYE: Hanna, Shanklin. NAY: Shoemate, Drewry, Burk, Patton, Haywood. ABSTAIN: Warren. MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Haywood, Shoemate, Drewry, Burk, Patton. NAY: Hanna, Shanklin. ABSTAIN: Warren. MOTION CARRIED.

The City Council returned to the presentation from COL Bridgford.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Shanklin requested item #6 be considered separately.

MOVED by Warren, SECOND by Haywood, to approve the Consent Agenda with the exception of item 6. AYE: Haywood, Warren, Shoemate, Drewry, Burk, Shanklin, Patton. NAY: None. ABSENT: Hanna. MOTION CARRIED.

1. Consider adopting a resolution approving the settlement by a joint petition and making payment in the pending workers' compensation claim of Bryan Spencer. Exhibits: **Resolution No. 2009-13**.

2. Consider approving the deposit of a reimbursement check from Thomson-West, in the amount of Two Hundred Eighty-Nine and 50/100 Dollars (\$289.50) into City Attorney's 231 - Professional Services Account. Exhibits: Thomson-West reimbursement check.

3. Consider retiring Lawton Police Department K-9 Diego from service. Exhibits: None.

4. Consider a request from Great Plains Improvement Foundation (GPIF), Inc. to approve a proposed Emergency Shelter Grant (ESG) project and authorize the Mayor to sign the Certification of Local Approval for the ESG

application to the Oklahoma Department of Commerce (ODOC). Exhibits: Exhibit A: GPIF Letter of Request with Form ODOC- 4, Certification of Local Approval.

5. Consider approving the completion and submission of a Request for Information from the State of Oklahoma Department of Commerce (ODOC) for a Neighborhood Stabilization Program (NSP) grant provided to ODOC from HUD s Neighborhood Stabilization Program and further provided as a grant to the City of Lawton. Authorize the Mayor and City Clerk to execute the implementing documents. Exhibits: Exhibit A: Original Submission by the City of Lawton to ODOC Application for NSP Funding; Exhibit B: ODOC Request for Information and Application for Funding. Exhibits are available for review in the City Clerk s office.

6. Consider approving a professional services agreement for inspection of the Landfill Cells 4 & 5 Project #2008-4 with Terracon Consultants, Inc. and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement is on file in the City Clerk s Office.

Shanklin questioned why we were hiring a professional inspector.

Jerry Ihler, Public Works Director, stated it is a combination of inspector and environmental engineer. He stated the Oklahoma Department of Environmental Quality (ODEQ) is requiring us to hire a third party independent group to do the inspection of the landfill construction so that there is no influence with regard to testing in that it meets their requirements. There are certain quality assurances and quality controls and they are not allowing us to do the inspection and testing this time.

MOVED by Shanklin, SECOND by Haywood, to approve a professional services agreement for inspection of the Landfill Cells 4 & 5 Project #2008-4 with Terracon Consultants, Inc. and authorize the Mayor and City Clerk to execute the Agreement. AYE: Warren, Shoemate, Drewry, Burk, Shanklin, Haywood. NAY: None. ABSENT: Hanna, Patton. MOTION CARRIED.

7. Consider approving Change Order #1 assessing liquidated damages, accepting the SCADA System Replacement Project #2005-5 as constructed by Bauman Instrument Corporation and placing the Maintenance Bond into effect. Exhibits: None.

8. Consider adopting a Resolution authorizing the installation of traffic control measures on SW 1<sup>st</sup> Street at the intersection of SW D Avenue. Exhibits: Traffic Commission Minutes, Traffic Issue Request, and **Resolution No. 09-14**.

9. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 1,740 linear feet of 30-inch PVC sanitary sewer line, 410 linear feet of 8-inch PVC sanitary sewer line, and all appurtenances to serve the Fort Sill Apache Casino expansion project located at 2401 East Gore Boulevard in the NW/4 of the NE/4 of Section 33, T2N, R11W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk s Office.

10. Consider acknowledging receipt of a Tier I permit from the Oklahoma Department of Environmental Quality for the construction of 243 linear feet of 8-inch PVC sanitary sewer line and all appurtenances to serve the LATS Maintenance Facility located at 611 SW Bishop Road in the SW/4 of Section 6, T1N, R11W, I.M., Comanche County, Oklahoma. Exhibits: Permit to Construct on file in the City Clerk s Office.

11. Consider releasing the performance bond for water and sewer improvements in Dove Creek Addition, Part 2, and accepting the water and sewer improvements and maintenance bond. Exhibits: Plat Map. Maintenance Bond on file in City Clerk s Office.

12. Consider setting a date of March 24, 2009, to hold a public hearing and consider an ordinance closing a 10-foot easement in Lots 16 and 17, Block 4, Park Lane Addition, Part 2, also known as 4906 SE Avalon Avenue. Exhibits: Location Map, Application and Survey.

13. Consider adopting a resolution to execute the Project Agreement for Federal Aid Project Number STP-116E(177)HP, State Job Piece Number 26406(04) between the City of Lawton and the Oklahoma Department of Transportation for the City of Lawton Downtown Revitalization Project and authorize the Mayor and City Clerk to execute the Project Agreement. Exhibits: **Resolution 09-15**, Letter from ODOT and Transportation Enhancement Project Agreement.

14. Consider awarding (CL09-033) Automated Side Load Refuse Trucks to McNeilus Companies of Hutchins, TX. Exhibits: Department recommendation, abstract of bids.

15. Consider awarding (CL09-018) Repair Clamps, Bell Joint Clamps & Steel Couplings Items: 1-2, 7-8 & 10-12 to

Water Products of Oklahoma Inc. of Owasso, OK. Exhibits: department recommendation, abstract of bids.

16. Consider awarding (CL09-018) Repair Clamps, Bell Joint Clamps & Steel Couplings Items: 3-6 & 9 to Powerseal Pipeline Products of Wichita Falls, TX. Exhibits: department recommendation, abstract of bids.

17. Consider approval of payroll for the period of January 26 February 8, 2009.

#### BUSINESS ITEMS:

18. Hold a public hearing and consider an ordinance changing the zoning from F (Floodplain District) to C-5 (General Commercial District) zoning classification with a binding site plan located at 2401 East Gore Boulevard. Exhibits: Ordinance No. 09-\_\_\_, Location Map, Site Plan, Application, CPC Minutes and Affidavit.

Richard Rogalski, Planning Director, stated this request is for a 10-acre tract of land located immediately east of the Fort Sill Apache Casino. The proposed uses are restaurant with mixed beverage license, hotel with mixed beverage license, event center with mixed beverage license, and parking. The property owner is the Commissioners of the Land Office, and the applicant is the Fort Sill Apache Casino. A letter from the Commissioners of the Land Office was included in the application stating that the Commissioners authorized the applicant to pursue this request.

The zoning of the surrounding area is C-5 to the north, F to the south, C-2 (Planned Neighborhood Shopping Center District) to the east, and C-5 and R-1 (Single-Family Dwelling District) to the west. He stated most of this is floodplain zoning, but the actual floodplain lines were redrawn and this really is not in the floodplain anymore. The construction is going to be out of the floodplain. The land use of the surrounding area is commercial to the north, agriculture to the south, miniwarehouses and commercial (under construction) to the east, and the Fort Sill Apache Casino and a single-family residence to the west. The 2030 Land Use Plan designates this property as Commercial.

This is the first rezoning request to be processed that requires a binding detailed site plan. The site plan shows the proposed buildings, parking, driveways, screening from the single-family residence, dumpster pad, sign, sidewalk, and traffic signalization and lists the proposed uses

On January 15, 2009, the City Planning Commission (CPC) held a public hearing on this request. During the public hearing two people spoke in favor of the request, and no one spoke against the request. The CPC, by a vote of 7 0, recommended approval of the rezoning subject to dedication of sanitary sewer, storm sewer, and street improvements on East Gore Boulevard to the City upon completion of construction and the installation of traffic signalization at the easternmost entrance at the time the hotel and/or event center are constructed.

Shoemate questioned how far apart the traffic lights will be.

Rogalski stated the perfect mile mark is a little east, but they could not work it out. They had a lot of discussion with our Traffic Engineer and the Public Works Director and the end result was that this would be the best place. There is plenty of distance.

Shoemate stated he is concerned that this will bottle neck with the three lights.

Rogalski stated there is enough distance between this light and the signal west of the bridge. It is almost a mile.

Mayor Purcell questioned what will happen to the two entrance/exits that are currently there. Will they remain open as they are now?

Rogalski stated one will go away. The one furthest to the east will remain open. He stated with these improvements a lot of the traffic problems will be reduced.

Burk stated this should solve the problem.

#### PUBLIC HEARING OPENED.

Reggie Herman, URS representing Fort Sill Apache Casino, stated they have taken into consideration the input they have received from city staff and they are aware of the traffic concerns on Gore. The placement of the signalization was at the recommendation of the Traffic Engineer that was hired by the casino.

Robert Prince, attorney for the Fort Sill Apache Tribe, stated he is in attendance to answer any questions from the City Council.

MOVED by Shoemate, SECOND by Hanna, to adopt **Ordinance 09-06** waive the reading of the ordinance, read the title only. AYE: Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 09-06

An ordinance changing the zoning classification from the existing classification of F (Floodplain District) to C-5 (General Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section one (1) hereof; approving the site plan attached as Exhibit A along with the affidavit; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

Mayor Purcell stated for item #19 they need to strike 414 NW Euclid Avenue and 611 SW Jefferson Avenue.

19. Hold public hearings and adopt resolutions declaring the structure(s) at:

410 NW 14 Street, 414 NW Euclid Avenue, 611 SW Jefferson Avenue, 111 SW 11<sup>th</sup> Street, 1214 NW Euclid Avenue, 1305 SW I Avenue, 1307 SW I Avenue, 1812 SW Garfield Avenue, 2104 NW Lake Avenue and 218 NW Northwood Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance.

Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Ten Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

410 NW 14<sup>th</sup> Street

Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. He stated the structure has had no utilities since October 2006.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Burk, to adopt **Resolution 09-16** declaring the structure at 410 NW 14<sup>th</sup> Street as a dilapidated public nuisance. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

111 SW 11<sup>th</sup> Street

Griffith presented photographs of the property. He stated the structure has had no utilities and is vacant. He stated the current titleholder has done some work and he currently does not have a permit.

Haywood questioned if this was 123 SW 11<sup>th</sup>.

Griffith stated they actually do legal research to find out the specific address which was 111 SW 11<sup>th</sup> Street.

PUBLIC HEARING OPENED.

Albert Crutchfield, 3416 SW Abilene Drive, stated he is the owner of the property. He stated it took him about two years to get a construction permit. He got a permit about six months ago and one of his investors bailed on him. He intends to open a restaurant and he is currently working on the building. He stated his permit did expire on January 17<sup>th</sup> and he does need to get another one. He has about \$40,000 worth of equipment to go into that building.

Shanklin questioned if Mr. Crutchfield was working on the property.

Griffith stated no. The permit is expired and Mr. Crutchfield has not made an attempt to renew the permit and he stopped work prior to the expiration of the permit. He stated if the resolution is passed tonight, he can still obtain a permit to remodel, but he cannot stop and start work like he has done in the past.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Hanna, to adopt **Resolution 09-17** declaring the structure at 111 SW 11<sup>th</sup> Street as a dilapidated public nuisance. AYE: Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1214 NW Euclid Avenue

Griffith presented photographs of the property. He stated the structure has had no utilities since April 2006.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to adopt **Resolution 09-18** declaring the structure at 1214 NW Euclid as a dilapidated public nuisance. AYE: Burk, Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

1305 SW I Avenue

Griffith presented photographs of the property. He stated the structure has had no utilities since May 2007.

PUBLIC HEARING OPENED.

Robert Cook, property owner, stated he just took over his family's properties in October. He stated 1305 and 1307 SW I Avenue were his parents' properties. He is currently working on some of the other properties they own. His plan is to start work on this property between March 15<sup>th</sup> and April 1<sup>st</sup>. He plans to start work on 1307 on September 1<sup>st</sup>. He stated both roofs have to be replaced and there is no insulation in either home. Both are structurally sound.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Burk, to adopt **Resolution 09-19** declaring the structure at 1305 SW I Avenue as a dilapidated public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

1307 SW I Avenue

Griffith presented photographs of the property. He stated the structure has had no utilities since April 2007.

Burk questioned why there was a trash container at the property. He stated staff should have picked that up.

Mr. Cook stated when he turned on the utilities at a third property, city staff delivered trash containers to both of the properties at 1305 and 1307 SW I Avenue. He placed them in the back of the property so no one would take them. He is scheduled to turn the utilities on at this property on September 1<sup>st</sup>.

PUBLIC HEARING OPENED.

Mr. Cook stated his brothers did not take care of the family business so he returned to town to take care of things.

Jensen stated if Mr. Cook does not turn on the utilities until September, he will not have enough time under this process to pull a permit and start making progress.

Mr. Cook stated that September is the timeline he has set to turn the utilities on. He will have to get a lot of things done before he can turn on the utilities like replacing windows and door.

Jensen stated Mr. Cook will be on the City's time line as far as the permit and what will be required. Mr. Griffith will be able to explain this to Mr. Cook.

Mayor Purcell stated that Mr. Cook will not have until September to bring this property up to code. He does not want Mr. Cook to think he has until September to do the outside and he does not want him to be misled.

Mr. Cook stated he will get with Mr. Griffith.

PUBLIC HEARING CLOSED.

MOVED by Patton, SECOND by Burk, to adopt **Resolution 09-20** declaring the structure at 1307 SW I Avenue as a dilapidated public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

1812 SW Garfield Avenue



Haywood questioned the correct name for 1812 SW Garfield.

Griffith stated all of the court records still carry Garfield. The street signs are different and say Whitlow.

Haywood stated it should not be different. It should be Dr. Charles W. Whitlow Avenue.

Griffith stated that is the street address, but the legal address is Garfield.

Haywood stated that Garfield should be gone.

Jensen stated they need to be sure that staff is not targeting the wrong house and we need to check this.

Griffith stated at the Comanche County Courthouse all of the documents still carry Garfield Avenue as the name of the street.

Haywood stated it has been two years now and that should have been removed. The county should have this changed.

Jensen stated they need to make sure they have the right address in the resolution.

Griffith stated this is the correct legal address at the county.

Jensen stated if there is a problem they will bring something back.

Griffith presented photographs of the property. He stated the structure has had no utilities since August 2007.

PUBLIC HEARING OPENED.

Teyana Scott, 1903 SW Monroe Avenue, stated she purchased the house two years ago and finished paying it off at the first of the year and three weeks later someone set it on fire. She had been working on the property when this happened. She has been saving her money because now she has to tear everything down and rebuild.

Haywood stated that Ms. Scott could not put a trailer back on that property.

Ms. Scott stated that she has been told it would have to be a manufactured home.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Hanna, to adopt **Resolution 09-21** declaring the structure at 1812 SW Garfield Avenue as a dilapidated public nuisance. AYE: Haywood, Warren, Shoemate, Hanna, Drewry, Burk, Shanklin, Patton. NAY: None. MOTION CARRIED.

2104 NW Lake Avenue

Griffith presented photographs of the property. He stated the structure has had no utilities since December 1987.

PUBLIC HEARING OPENED.

Melvin Jones, Loco, OK, stated he is the property owner and he met with city staff for a walk through and the consensus was that the structure is habitable. He has put on a new roof and rewired and brought it up to code. He is in the process of painting the property.

Mayor Purcell questioned if Mr. Jones had a permit.

Mr. Jones stated this was done four years ago. The utilities have been hooked back up. He stated he is going to have to fix it up so that he and his wife can move back to Lawton since she is in bad health.

Shanklin stated that this will have to be brought up to code. He stated there are neighbors that do not like this and he is not promoting this.

PUBLIC HEARING CLOSED.

MOVED by Patton, SECOND by Burk, to adopt **Resolution 09-22** declaring the structure at 2104 NW Lake Avenue as a dilapidated public nuisance. AYE: Warren, Shoemate, Hanna, Drewry, Burk, Shanklin,

Patton, Haywood. NAY: None. MOTION CARRIED.

218 NW Northwood Avenue

Griffith presented photographs of the property. He stated the structure has had no utilities since October 2003.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Hanna, SECOND by Burk, to adopt **Resolution 09-23** declaring the structure at 218 NW Northwood Avenue as a dilapidated public nuisance. AYE: Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

20. Consider adopting a resolution endorsing the Fort Sill Regional Growth Management Plan. Exhibits: Resolution 09-\_\_.

Mitchell stated the Regional Growth Management Plan has been completed. It was funded through an OEA grant which was awarded in May 2007. This went through the Mayor's BRAC committee and five technical review committees. He feels this will be a valuable tool to use in the future and this is one of the few plans in Oklahoma.

Doug Tennant, consultant from Jacobs, Carter & Burgess, presented a series of slides. (Attached).

Mayor Purcell complimented Mr. Tennant on all his work. He stated he and Kevin Jackson worked diligently putting this together and they deserve thanks. This plan helps all of the communities around Lawton and Fort Sill.

Shoemate stated that both presentations have been very enlightening.

Mr. Tennant stated the executive summary is really the playbook and that is what they will be taking to Oklahoma City and Washington, D.C.

MOVED by Drewry, SECOND by Shoemate, to adopt **Resolution 09-24** endorsing the Fort Sill Regional Growth Management Plan. AYE: Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

22. Discuss and take appropriate action as necessary concerning a request from Edna Hennessee for assistance with the cost of a required fire hydrant as related to her proposed building project located at 1501 NW Sheridan. Exhibits: Council Policy 6-4 (Cost Sharing for New Fire Hydrant Installation and/or Public Water Main Improvements).

Shanklin stated he feels that Council Policy 6-4 is full of bureaucracy. He stated not too long ago we gave away a fire hydrant at 10<sup>th</sup> and F and he does not remember it even being brought up. He stated we also gave a fire hydrant at the old Wolverton Building. He does not understand why we would try to make it so hard for those who live and work in Lawton. He stated Ms. Hennessee believes there was a fire hydrant there at one time and she claims she has pictures. Mr. Ihler has looked and there is no trace of one. He stated now staff has told her it will cost \$7,000 to put one in. He believes that funds were not mentioned when we did those fire hydrants he just talked about. He feels they need to pull this item and look at it further.

Chief Bart Hadley, Lawton Fire Department, stated a hydrant is required at this location and how it is paid for is up to Ms. Hennessee and the City Council, but there is a policy in place.

Shanklin stated that is what bothers him. How is it that this is the prerogative of the Fire Chief to determine what this Council does for other citizens.

Chief Hadley stated it is not his prerogative.

Shanklin stated the Fire Chief initiated the policy.

Chief Hadley stated that was at Council direction.

Shanklin stated he would like to see those minutes and he would like to pull this item.

MOVED by Shanklin, SECOND by Shoemate, to table. AYE: Shoemate, Hanna, Drewry, Burk, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Mitchell stated he believes an application has been submitted by Ms. Hennessee and the Fire Marshall is reviewing

that application pursuant to the instructions under this policy. He stated since this policy was adopted we have done one cost share out on west Cache Road for Enterprise Rental.

Shanklin stated he thinks this will be approved, but he is just worried about the malarkey and bureaucracy here for helping put in a lousy fire hydrant.

Shoemate questioned why we would have taken one out if there was one previously at this location.

Chief Hadley stated he is not aware that there was a fire hydrant there but he cannot dispute it. He stated the reason for the policy was that the Council was concerned about being consistent when requests starting coming through. Staff was asked to develop a policy so that there could be some kind of standard set to allow some consistency in how to deal with the requests.

Mayor Purcell stated the City Council directed that the staff put together a policy and they did and the Council passed it.

23. Consider an ordinance pertaining to Historical Preservation, Section 2-3-6-334, Division 2-3-6, Article 2-3, Chapter 2; Lawton City Code, 2005, by changing the Historical Preservation Commission Ex officio members to voting members and by permitting commission members to serve an unlimited number of terms upon approval by the City Council, providing for severability, and declaring an emergency. Exhibits: Ordinance 2009-\_\_\_\_.

Rogalski stated on January 21, 2009 the Historical Preservation Commission voted to change their by-laws by making ex officio members voting members and to eliminate the current restriction to two (2) terms of office. The Commission would like to allow the Ex officio members to have the opportunity to serve as the Chair or Vice-Chair and to do so they need to be voting members.

MOVED by Warren, SECOND by Shoemate, to adopt **Ordinance 09-07** waive the reading of the ordinance, read the title only, and declaring an emergency. AYE: Hanna, Drewry, Burk, Patton, Haywood, Warren, Shoemate. NAY: Shanklin. MOTION CARRIED

(Title read by City Attorney)

Ordinance 09-07

An ordinance pertaining to administration amending Section 2-3-6-334, Division 2-3-6, Article 2-3, Chapter 2, Lawton City Code, 2005, by changing the Historical Preservation Commission ex officio members to voting members and by permitting commission members to serve an unlimited number of terms upon approval by the city council, providing for severability, and declaring an emergency.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Hanna stated the last weekend there were many events going on around town and the city picked up a lot of sales tax revenue.

Mayor Purcell thanked COL Bridgford for his presentation and all of his work with the BRAC committee. He stated he has just rescinded the Stage I voluntary outside water usage proclamation. He announced the City Council will be sworn in on Monday, March 2<sup>nd</sup> at 8:30 a.m. The Oklahoma Municipal League legislative forum will be held on that same date. He stated regarding the rumors that Delta will be pulling out of Lawton, he spoke with Senator Tom Coburn's office yesterday and they are jumping in and they will be calling officials at Delta Airlines to see if they can reverse this decision. He stated both Senator Inhofe's office and Congressman Cole's office is also involved.

Mitchell distributed a copy of a letter from the Donald W. Reynolds Foundation regarding a request for help for the Old Lawton High project. He stated the request will be considered at their Board of Trustees meeting in May. He also distributed a map showing the 2<sup>nd</sup> Street acquisition area. He stated they are approximately 90% complete on the project. The project is on schedule and in the near future they will have a discussion about making some revisions or extensions to the letter of credit. That discussion will start with the three banks that signed the letter of credit and the Lawton Urban Renewal Authority and Lawton Economic Development Authority.

Hanna questioned when Phase I of the Old Lawton High project will be completed.

Mitchell stated Phase I completion should be pretty close. They are getting down to the punch list items. He stated they need approximately \$5 million to finish the entire project.

The Mayor and Council convened in executive session at 9:21 p.m. and reconvened in regular, open session at 9:51 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

24. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item 24. No action is required.

25. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending case of City of Lawton vs. Bob L. Mansell, et. al, CJ-2007-822, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 25. No action is required.

26. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending damage claim of Kelvin Sanders, Damage Claim No. DC-2009-003, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 26. No action is required.

Jensen stated he would like to request the authority to recruit a law school intern for the summer instead of an undergraduate intern from Cameron. Almost every year they have had an undergraduate intern and although they can be helpful, he would like to have a law school intern, hopefully from Lawton, and pay them a little more money.

No one objected.

There being no further business to consider, the meeting adjourned at 9:53 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.  
JOHN P. PURCELL, JR., MAYOR  
ATTEST:

/s/ Traci Hushbeck  
TRACI HUSHBECK, CITY CLERK